

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DAVID A. BUXTON, et al.,

\*

Plaintiffs,

\*

v.

\* Case No. 2:07-cv-484-ID

MARK WYATT, et al.

\*

Defendants.

\*

**RULE 26(f) REPORT OF PARTIES' PLANNING MEETING**

1. Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, the following attorneys have conferred regarding proposed deadlines in this case and submit the following joint report:

James B. McNeill, Jr., representing the Plaintiffs;

Angela R. Rogers, representing Defendant Thyssenkrupp Elevator Corporation; and

E. Hyde Carby, representing the Defendants Mark Wyatt, George Vinson, Steve Phillips, Mike Evans, Deborah Downey, Wendell Landis, Keith Shirley, Victor Swift, Scott Aler, and Don Macon.

2. **Pre-Discovery Disclosures.** The parties will exchange the information required by Rule 26(a)(1) within 21 days of the entry of the Court's scheduling order.
3. **Discovery Plan.** The parties jointly propose the following discovery plan:
  - (a) All discovery commenced in time to be completed by June 30, 2008.
  - (b) Maximum of 10 depositions by each party, with a maximum time limit of 7 hours per deposition unless extended by agreement of the parties. These limitations do not include depositions of expert witnesses designated pursuant to Subsection (g) below. Each party is entitled to a

deposition of each designated expert, not to exceed 7 hours per deposition.

- (c) Maximum of 45 Interrogatories by each party, with responses due within thirty days after service.
- (d) Maximum of 20 Requests for Admissions by each party, with responses due within thirty days after service.
- (e) Maximum of 30 Requests for Production by each party, with responses due within thirty days after service.
- (f) Supplements under Federal Rule of Civil Procedure 26(e) are due 30 days before the close of discovery.
- (g) Reports from retained experts under Federal Rule of Civil Procedure 26(a)(2) are due from the Plaintiffs by January 1, 2008, and any such experts shall be made available for deposition by no later than February 1, 2008. Reports from retained experts from the Defendants are due by March 1, 2008, and any such experts shall be made available for deposition by not later than April 1, 2008.

#### 4. Other Items.

- (a) The parties do not request a conference with the Court before entry of the scheduling order.
- (b) The parties request a pretrial conference in August 2008.
- (c) Any motions to amend the pleadings or to join additional parties should be filed within 90 days of the entry of the Court's scheduling order.
- (d) All potentially dispositive motions should be filed by May 1, 2008.
- (e) Settlement and mediation cannot realistically be evaluated until the parties conduct further discovery.
- (f) Final list of trial witnesses and exhibits under Federal Rule of Civil Procedure 26(a)(3) must be served and filed 30 days before trial.
- (g) Objections to trial witnesses and exhibits are to be filed 15 days before trial.

(h) This case should be ready for trial by the civil jury term commencing October 20, 2008.

(i) Trial is expected to last 3-4 days.

The attorneys for all parties prepared this Report of the Parties' Planning Meeting. Counsel for Plaintiff and counsel for the Co-Employee Defendants have approved this report and given permission to the undersigned to file it electronically with the Court on behalf of all the parties. It is understood by all parties that the Plaintiffs, by giving permission to file this report, are not waiving their motion to remand this action to the Circuit Court of Lowndes County, Alabama.

Respectfully submitted on June 28, 2007.

**Attorneys for Defendant  
Thyssenkrupp Elevator Corporation:**

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